

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 317 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

UNITED INDIA INSURANCE CO LTD

Versus

NARMADABEN WD/O GOVINDBHAI ODHAVJI CHOTALIYA

Appearance:

MR KF DALAL for Appellants

None present for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 28/08/98

ORAL JUDGEMENT

1. This is an appeal by the insurance company and the owner of the vehicle against the award of the Motor Accident Claims Tribunal (Main) at Surat in M.A.C.P. No.84/83 decided on 23-7-1984 under which Rs.21,000/- has been awarded as compensation with interest at the rate of 6 % p.a. from the date of application till realisation to the claimant-respondent No.1 for the injury which she sustained in the motor vehicular accident. The appeal is

valued at Rs.11,000/-.

2. Only challenge made by the learned counsel for the appellants is that the figure of Rs.20,000/- awarded to the claimant-respondent No.1 by Tribunal under the head of pain, suffering and loss of amenities of life is towards the higher side. In his submission, the amount of Rs.10,000/- could have been awarded by the Tribunal to the claimant under this head.

3. I do not find any merits in this contention. The claimant-respondent No.1 sustained the fracture of frontal bone and fracture on two left metatarsal bones. She was admitted to the hospital as an indoor patient for ten days. It has come from the medical evidence that the claimant respondent was caused CLW of the size of 1-1/2" X 1/2" bone deep on the forehead and fracture of the frontal bone and fracture of 3rd and 4th metatarsal. Looking to these injuries and the fact that she had remained as indoor patient for ten days in hospital, the amount of compensation awarded, under the head of pain, suffering and loss of amenities of life, of Rs.20,000/cannot be said to be towards the higher side. I do not find any error in the award of the learned Tribunal, which calls for interference of this Court in this appeal.

5. In the result, this appeal fails and the same is dismissed.

zgs/-